

be detained for more than three days after having given notice of his or her desire and intention to leave such institution unless such person shall in the meantime have been legally committed upon and after due notice to him or her on the request of his or her relatives or friends, in accordance with Section 34 of this article regulating the commitment and detention of the insane in hospitals and asylums; nor shall any person be received or detained as a voluntary patient whose mental condition is such, or becomes such, that such person cannot comprehend the act of voluntary commitment, or be able to request his or her discharge, or give continuous assent to detention. Every such voluntary patient so admitted shall be reported to the Board of Mental Hygiene as provided in cases legally committed, and shall be further reported to the Board of Mental Hygiene with a statement of the mental condition of said person at the end of each three months of said patient's residence in the institution to which he or she has requested admission, and when discharged therefrom, a copy of this Section shall be read or exhibited to every person requesting admission to any institution in accordance with its provisions.

This section referred to—see notes to art. 16, sec. 38. *Lowe v. Lowe*, 150 Md. 603.

An. Code, 1924, sec. 39. 1912, sec. 38. 1904, sec. 38. 1883, sec. 38. 1886, ch. 487, sec. 39.

**41.** No institution for the custody, confinement or treatment of the insane, whether public, corporate or private, shall be authorized to hold in confinement or custody any number of insane persons exceeding five for compensation, unless there shall be a physician in regular attendance upon such institution or house.

An. Code, 1924, sec. 40. 1912, sec. 39. 1910, ch. 715, sec. 38A (p. 190).

**42.** The Board of Mental Hygiene shall divide the State of Maryland into such number of hospital districts which, in its discretion, the Board may deem advisable for the proper care and custody of the insane. Whenever the Board of Mental Hygiene shall deem it necessary to more conveniently care for the insane in the various hospitals, it may change the limits of such hospital districts. The Board shall notify the county commissioners of each county of the limits of the various districts.

An. Code, 1924, sec. 41. 1912, sec. 40. 1910, ch. 715, sec. 38B (p. 190). 1920, ch. 735, sec. 40. 1939, ch. 120, sec. 41.

**43.** Whenever the Commissioner of Mental Hygiene, after investigation, determines that any patient in any State hospital for mental patients can be given better or safer care or more adequate treatment in another State hospital for mental patients, he may order such transfer after notifying the family or guardian that the transfer is to be made. In each case the Commissioner of Mental Hygiene shall notify the county or city to which the patient's maintenance is charged of such transfer.

It shall be unlawful to convey any woman patient to any institution, asylum, hospital, home or retreat for the insane, or to transfer any woman patient from or to any such place, except such woman patient be accompanied by some relative, friend or nurse of the same sex. This shall not apply to any woman patient accompanied by her father, husband or adult brother or son.